

8



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/982,584 | 10/17/2001 | Jorn von Seggern | 400004=2012 | 7560 |

20999 7590 02/20/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

RIDLEY, RICHARD

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3651

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,584

Applicant(s)

SEGGERN, JORN VON

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-5-03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-24 is/are rejected.
- 7) ☒ Claim(s) 25-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**rubbing flanks**” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The term “rubbing flanks” is not described in the specification. Additionally, the term “circulating positions” is not described in the specification. The meaning of these terms is therefore unclear and one of ordinary skill in the art would not be able to ascertain that which is or is not readable thereon.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3651

2. Claims 17-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, the phrase "cluster- like" renders the claim(s) indefinite because the claim includes elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim 17 recites the limitation "wherein the conveyor line" in line 2. Which conveyor line is being referred to? A plurality of conveyor lines are previously claimed.

Claim 17 recites the limitation "drivers arranged at intervals from each other" in line 2 and also in line 4. Are the drivers in line 4 the same drivers in line 2. This recitation in line 4 appears to be a redundant recitation reading as though there is another set of drivers. As written the claim is unclear.

Claim 17 recites the limitation "their circulating positions". There is insufficient antecedent basis for this limitation in the claim. What are the chains circulating positions?

Claim 21 recites the limitation "each of the conveyors". There is insufficient antecedent basis for this limitation in the claim. Only one conveyor is previously recited.

Claim 21 recites the limitations "each arranged next to each other"? This is unclear. Are "the conveyors" arranged next to each other? Or is there more than one guide wheel perhaps each of which are arranged next to each other? The claim appears to be incorrect and it is unclear what is arranged next to each other.

Claim 21 recites the limitation "each said guide wheel". There is insufficient antecedent basis for this limitation in the claim. Only one guide wheel is previously recited in the claim.

Claim 22 recites the limitation "each guide wheel". There is insufficient antecedent basis for this limitation in the claim. Only one guide wheel is previously recited.

Claim 27 recites the limitation "...with a selected on of said chain.". As written the claim is unclear and appears to be grammatically incorrect.

Claim Objections

3. Claim 18 objected to because of the following informalities:

- "live" should be --line--;

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

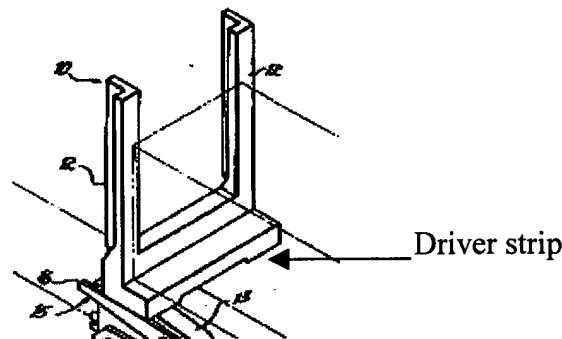
2. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwell et al. (USP 5,337,887).

Greenwell discloses all of the claim limitations in a similar conveyor apparatus for transporting objects shown in fig. 4, the apparatus comprising a plurality of continuously circulating guided conveyor lines (20, 20a) with drivers (10,11) arranged at intervals from each other wherein the conveyor line is constructed of continuously circulating individual chains (20) each of which has respective drivers (10, 11) arranged at intervals from each other, the intervals

Art Unit: 3651

between the drivers of different individual chains may be adjusted (C4/L20-26) simultaneously. Greenwell further discloses that the drivers (10, 11) are held on each conveyor line (20, 20a) so that they can be adjusted in the direction of transport (C4/L23-26) and that the drivers (10, 11) connected to each conveyor line (20, 20a) are located at fixed intervals from each other (C4/L41-63).

Greenwell additionally discloses that each driver has driver strips (fig. 4) that extend across all of the conveyor lines transversely to the direction of transport.



Part of Fig. 4 of Greenwell '887

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21-23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwell in view of Malhiot.

Art Unit: 3651

Greenwell discloses all of the claim limitations, as shown above, but does not disclose each of the conveyors guided over an adjusting roller comprising a guide wheel each attached to said guide wheel being arranged next to other, each said guide wheel being adjustable to different positions relative to another guide wheel.

Malhiot discloses a similar conveyor apparatus for transporting objects comprising a plurality of continuously circulating guide conveyor lines (12, 13). Each conveyor line in Malhiot is provided with a plurality of drivers (25, 26) to contact said objects.

Malhiot teaches guiding the conveyor lines (12, 13) over an adjusting roller (pg. 2, lines 37-38) comprising a guide wheel (16 or 17) each attached to said guide wheel being arranged next to other (guide wheels 16 & 17 are arranged next to each other), each said guide wheel being adjustable to different rotational positions relative to another guide wheel (pg. 2, line 36-40). Malhiot teaches the aforementioned arrangement for the purpose of providing for a means to permit the adjustment of the conveyor pockets (14) to receive different size articles or packages (pg. 2, lines 43-65), as such relative movements of the guide wheels permits adjustment of all conveyor pockets at once.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided conveyors guided over an adjusting roller comprising a guide wheel each attached to said guide wheel being arranged next to other each said guide wheel being adjustable to different rotational positions relative to another guide wheel, as taught by Malhiot, in the conveyor apparatus of Greenwell for the purpose of providing for a means to permit the adjustment of the conveyor pockets to receive different size articles or packages, as such relative movement of the guide wheels permits size adjustment of all conveyor pockets at once.

Art Unit: 3651

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwell in view of Middleberg et al. (USP 5,806,659).

Greenwell discloses all of the claim limitations, as shown above, but does not disclose the chains (20, 20a) made at least partially of plastic.

Middleberg, in a similar apparatus for transporting objects, teaches the use of a chain (20) made at least partially of plastic (C1/L55-56) for the purpose of providing for a chain made of lightweight plastic material so that the component that drives the chain can also be made of lightweight material, such as plastic, further increasing the speed and control capabilities with no degradation in the life of the mechanism (C1/L55-60) and for the purpose of greatly reducing the total rotational inertia of the drive mechanism (C6/L39-43) when compared to prior art mechanisms (C1/L28-34).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a chains that are made at least partially of plastic, as taught by Middleberg, in the conveying apparatus of Greenwell for the purpose of providing for a chain made of lightweight plastic material so that the component that drives the chain can also be made of lightweight material, such as plastic, further increasing the speed and control capabilities with no degradation in the life of the mechanism and for the purpose of greatly reducing the total rotational inertia of the drive mechanism.

Allowable Subject Matter

4. Claims 25-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

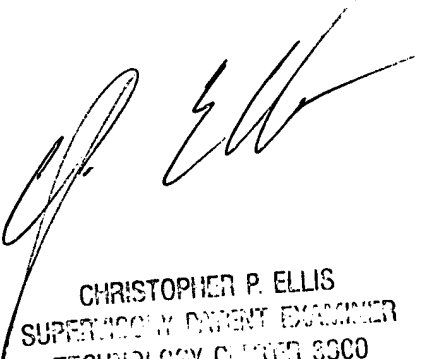
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.


Art Unit: 3651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



CHRISTOPHER P. ELLIS
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3000



Richard Ridley
February 14, 2003

Richard Ridley
Examiner
Art Unit 3651